

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY, et al.,

PLAINTIFFS,

v.

JOSEPH R. BIDEN, JR., in his official capacity
as President of the United States; et al.,

DEFENDANTS.

CIVIL ACTION NO. 2:21-cv-778-TAD-KK

Motion for Summary Judgment

The States of Louisiana, Alabama, Alaska, Arkansas, Georgia, Mississippi, Missouri, Montana, Nebraska, Oklahoma, Texas, Utah, and West Virginia (collectively “Plaintiff States”) respectfully move this Court for an order under Rule 65 of the Federal Rules of Civil Procedure granting summary judgment in their favor against the named Defendants in their official capacities. As explained in the Complaint and attached Memorandum, Defendants have acted beyond their statutory authority and violated the Outer Continental Shelf Lands Act, Mineral Leasing Act, and Administrative Procedure Act.

This Motion is made on the grounds specified in this Motion, the Complaint, the accompanying Memorandum of Law, the exhibits attached to the Complaint and to this Motion, all matters of which this Court may take judicial notice, and on such other and further oral or documentary evidence as may be presented to the Court at or before the hearing on this Motion.

For these reasons Plaintiff States request an Order:

1. holding unlawful and setting aside the Pause;
2. declaring Section 208 of Executive Order 14008 unlawful;

3. permanently enjoining the Executive Branch from implementing Section 208 of Executive Order 14008 or the Pause;

4. compelling Defendants to hold lease sales in accordance with OCSLA and the MLA;

5. granting all other relief to which Plaintiff States are entitled, including but not limited to attorneys' fees and costs.

Respectfully submitted,

Dated: April 29, 2022

/s/ Elizabeth B. Murrill

TYLER R. GREEN
DANIEL SHAPIRO
CONSOVOY MCCARTHY PLLC
222 S. Main Street, 5th Floor
Salt Lake City, UT 84101
(703) 243-9423

JEFF LANDRY
Attorney General
ELIZABETH B. MURRILL
Solicitor General
JOSEPH S. ST. JOHN
Deputy Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third Street
Baton Rouge, LA 70804
Tel: (225) 326-6766
murrille@ag.louisiana.gov
stjohnj@ag.louisiana.gov

Counsel for Plaintiff States

OTHER COUNSEL:

STEVE MARSHALL
Attorney General of Alabama
Edmund G. LaCour Jr.
Solicitor General
Office of the Alabama Attorney General
501 Washington Avenue
Montgomery, AL 36130
Tel: (334) 353-2196
Fax: (334) 353-8400
Edmund.LaCour@AlabamaAg.gov
Counsel for the State of Alabama

TREG TAYLOR
Attorney General of Alaska
Ronald W. Opsahl (Colo. Bar No. 35662)
Assistant Attorney General
Alaska Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501
Telephone: (907) 269-5100
Fax: (907) 276-3697
ron.opsahl@alaska.gov
Counsel for the State of Alaska

LESLIE RUTLEDGE

Attorney General of Arkansas
Nicholas J. Bronni
Solicitor General
Dylan L. Jacobs
Assistant Solicitor General
Office of Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-6302
Nicholas.bronni@arkansasag.gov
Counsel for the State of Arkansas

CHRISTOPHER M. CARR

Attorney General of Georgia
Stephen Petrany
Solicitor General
Office of the Attorney General
40 Capitol Square SW
Atlanta, Georgia 30334
(404) 458-3408
spetrany@law.ga.gov
Counsel for the State of Georgia

LYNN FITCH

Attorney General of Mississippi
Krissy C. Nobile
Deputy Solicitor General
State of Mississippi
Office of the Attorney General
P.O. Box 220
Jackson, MS 39205
Tel: (601) 359-3680
Counsel for the State of Mississippi

ERIC S. SCHMITT

Attorney General of Missouri
Justin D. Smith
Deputy Attorney General for Special
Litigation
Jeff P. Johnson
Michael E. Talent
Missouri Attorney General's Office
Post Office Box 899
Jefferson City, MO 65102
Tel: (573) 751-0304
Fax: (573) 751-0774
Justin.Smith@ago.mo.gov

Counsel for the State of Missouri

AUSTIN KNUDSEN
Attorney General of Montana
David M.S. Dewhirst
Solicitor General
Montana Attorney General's Office
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401
406.444.4145
david.dewhirst@mt.gov
Counsel for the State of Montana

DOUGLAS J. PETERSON
Attorney General of Nebraska
James A. Campbell
Solicitor General
Office of the Nebraska Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-2682
jim.campbell@nebraska.gov
Counsel for the State of Nebraska

JOHN M. O'CONNOR
Attorney General of Oklahoma

Bryan Cleveland
Deputy Solicitor General
Oklahoma Office of Attorney General
313 N.E. 21ST Street
Oklahoma City, OK 73105
Phone: (405) 521-3921
bryan.cleveland@oag.ok.gov
Counsel for the State of Oklahoma

KEN PAXTON
Attorney General of Texas
Brent Webster
First Assistant Attorney General
Judd E. Stone II
Solicitor General
Patrick Sweeten
Deputy Attorney General
Office of the Attorney General
P.O. Box 12548 (MC 009)
Austin, Texas 78711-2548

Tel.: (512) 463-4139
Fax: (512) 474-2697
Patrick.Sweeten@oag.texas.gov
Judd.Stone@oag.texas.gov
Counsel for the State of Texas

SEAN D. REYES
Attorney General of Utah
Melissa A. Holyoak
Solicitor General
Utah Attorney General's Office
350 N. State Street, Suite 230
P.O. Box 142320
Salt Lake City, UT 84114-2320
(385) 271.2484
melissaholyoak@agutah.gov
Counsel for the State of Utah

PATRICK MORRISEY
Attorney General of West Virginia
Lindsay S. See
Solicitor General
State Capitol, Bldg 1, Room E-26
Charleston, WV 25305
(304) 558-2021
Lindsay.s.see@wvago.gov
Counsel for the State of West Virginia